

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JAMES BOLDISCHAR,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:14-cv-06844
)	
RELIASTAR LIFE INSURANCE CO., and)	Judge Rebecca R. Pallmeyer
VOYA AMERICA EQUITIES, INC.,)	Magistrate Judge Maria Valdez
)	
Defendants.)	
_____)	

**RELIASTAR LIFE INSURANCE COMPANY’S
MOTION TO ENTER FINAL JUDGMENT PURSUANT TO FED. R. CIV. P. 58**

Pursuant to Fed. R. Civ. P. 58, and other governing rules and case law, Defendant ReliaStar Life Insurance Company (“ReliaStar” or “Defendant”), by its undersigned counsel, hereby files its Motion to Enter Final Judgment Pursuant to Fed. R. Civ. P. 58 (“Motion”). In support of this Motion, ReliaStar states as follows:

1. On July 26, 2016, the Court issued a Memorandum Opinion and Order (“Order”) granting ReliaStar’s motion to confirm an arbitration award against Plaintiff James Boldischar (“Boldischar” or “Plaintiff”) (Doc. No. 14), and denying Boldischar’s motion to vacate the arbitration award (Doc. No. 17). (Doc. No. 28.)

2. Also on July 26, 2016, the Court issued a Minute Order in which it held as follows: “Defendants’ motion to lift the court’s stay and confirm the Award [14] is granted, and Plaintiff’s motion to vacate or modify the Award [17] is denied. Defendant’s request for sanctions is denied without prejudice.” (Doc. No. 27.)

3. Fed. R. Civ. P. 58(a) requires that “[e]very judgment and amended judgment must be set out in a separate document,” except for certain instances not relevant here.

4. Fed. R. Civ. P. 58(b)(2) requires the Court to “promptly approve the form of the judgment” when “the court grants other relief not described in this subsection (b),” which encompasses the Court’s Order, which granted ReliaStar’s motion to confirm.

5. Fed. R. Civ. P. 58(d) provides that a “party may request that judgment be set out in a separate document as required by Rule 58(a).”

6. The Award confirmed by the Court provides for: (a) an award of compensatory damages to ReliaStar from Boldischar in the amount of \$218,318.39 (Award, Exh. A to Motion to Confirm, Doc. No. 14, at p. 2); and (b) an award to ReliaStar of interest at 5% per annum, from the date of award, in the amount to date of \$12,734.176 (*id.*).

WHEREFORE, for the reasons set forth herein, ReliaStar respectfully requests that the Court: (a) grant this Motion; (b) enter final judgment in favor of ReliaStar and against Boldischar in the total amount of \$231,034.17 plus attorneys’ fees to be determined and awarded by the Court in connection with Defendant’s Motion for Award of Sanctions and Attorneys’ Fees, filed contemporaneously herewith; and (c) granting such further relief as the Honorable Court deems just and proper.

Dated: November 8, 2016

Respectfully submitted,

RELIASTAR LIFE INSURANCE CO.

By: /s/ Hillard M. Sterling

One of Its Attorneys

Hillard M. Sterling, Esq.
ARDC # 6232655
Brittany N. Bermudez, Esq.
ARDC # 6317591
Winget Spadafora & Schwartzberg, LLP
135 S. LaSalle Street, Suite 1921
Chicago, IL 60603
sterling.h@wssllp.com
bermudez.b@wssllp.com